
A BILL FOR AN ACT

RELATING TO OCEAN RECREATION MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the conclusions of
2 the Kaneohe Bay task force, which was created in 1990 by Act 208,
3 were developed through a community-based mediated process.
4 Through this process, the Kaneohe Bay master plan was developed
5 and completed in May 1992. The plan contains, among other
6 things, limits on commercial water recreation to meet the
7 following criteria:

- 8 (1) Reduce conflict;
9 (2) Retain the rural character of Kaneohe Bay;
10 (3) Safety;
11 (4) Protect reefs and submerged lands;
12 (5) Preserve the public interest;
13 (6) Maintain consistency with AA class waters; and
14 (7) Provide a fair opportunity for commercial recreation
15 consistent with the other criteria.

16 The legislature further finds that the department of land
17 and natural resources has failed to implement the recommendations
18 of the Kaneohe Bay task force and believes that these conclusions
19 should be fully implemented.

1 The purpose of this Act is to implement changes in the law
2 regulating recreational and commercial uses of Kaneohe Bay, which
3 were established in the Kaneohe Bay master plan.

4 SECTION 2. Section 200-39, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[[]§200-39[]] Kaneohe Bay ocean use activities; permits;
7 restrictions. (a) For the purposes of this section, "ocean use
8 activities" means commercial operation of thrill craft, high
9 speed boating, parasailing, water sledding, sailing and
10 snorkeling tours, [and] glassbottom boat tours[.], or any other
11 similar commercial ocean recreation activity for hire.

12 (b) Any other provision of this chapter to the contrary
13 notwithstanding, no person shall operate thrill craft,
14 parasailing, water sledding, or commercial high speed boating
15 unless the person meets the requirements of section 200-37 and
16 all rules adopted by the department [which] that regulate or
17 restrict [such] these activities.

18 (c) Permits issued by the department for the commercial
19 operation of ocean use activities in Kaneohe Bay shall be limited
20 to the number[,], and locations, by permit type and vessel and
21 passenger capacity, provided in the Kaneohe Bay master plan
22 developed pursuant to Act 208, Session Laws of Hawaii 1990;
23 provided that passenger capacity for snorkeling tours and

1 glassbottom boat tours shall be set through rules adopted
2 pursuant to chapter 91. No thrill craft permit may be
3 transferred [more than five years] after [the effective date of
4 this section;] June 21, 1998; provided that transfers of permits
5 may be made at any time between family members.

6 (d) On Sundays and federal holidays, all commercial ocean
7 use activities shall be prohibited.

8 (e) All rules adopted by the department with regard to
9 Kaneohe Bay shall be drafted in consultation with the Kaneohe Bay
10 regional council and shall be in accordance with, and implement
11 the recommendations in, the Kaneohe Bay master plan developed
12 pursuant to Act 208, Session Laws of Hawaii 1990.

13 (f) The Kaneohe Bay regional council shall review and
14 revise the master plan by December 1999, with the assistance of
15 the office of planning of the department of business, economic
16 development and tourism and the department."

17 SECTION 3. Act 317, Session Laws of Hawaii 1993, is amended
18 by amending section 7 to read as follows:

19 "SECTION 7. This Act shall take effect upon its approval[,
20 and shall be repealed on July 1, 1998]; except that SECTION 5
21 shall take effect on July 1, 1993."

22 SECTION 4. Act 258, Session Laws of Hawaii 1996, is amended
23 by amending section 3 to read as follows:

1 "SECTION 3. This Act shall not apply to existing permits
2 issued by the department of land and natural resources pursuant
3 to section 200-39, Hawaii Revised Statutes. [Upon the repeal of
4 section 200-39, Hawaii Revised Statutes, the provisions of
5 chapter 200, Hawaii Revised Statutes, shall apply to the Kaneohe
6 bay ocean use activities regulated by the department of land and
7 natural resources.]"

8 SECTION 5. Act 317, Session Laws of Hawaii 1993, is amended
9 by repealing section 4.

10 ["SECTION 4. The office of state planning shall convene a
11 Kaneohe Bay task force in 1997 to evaluate the status and
12 effectiveness of the activities undertaken by the Kaneohe Bay
13 regional council to improve circumstances relating to ocean use
14 activities and well-being of the bay in light of the past,
15 present, and future research programs, implementation of the 1992
16 Kaneohe Bay master plan by the council, and changing public and
17 environmental circumstances."]

18 SECTION 6. Statutory material to be repealed is bracketed.
19 New statutory material is underscored.

20 SECTION 7. This Act shall take effect upon its approval.

APPROVED BY THE
GOVERNOR ON

MAR 25 1998